

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ALAN M. OUTMAN,
a/k/a Sara Outman,
a/k/a Alan Outman,

Plaintiff,

v.

9:15-CV-0609
(GTS/DJS)

VONDA JOHNSON, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

ALAN M. OUTMAN
12-B-3915
Plaintiff, pro se
CNY PC
PO Box 300
Marcy, NY 13403

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
Attorney for Defendants
State of New York
The Capitol
Albany, NY 12224

RYAN W. HICKEY, ESQ.
Ass't Attorney General

GLENN T. SUDDABY
Chief United States District Judge

DECISION and ORDER

Plaintiff Alan M. Outman commenced this action by filing a pro se complaint for relief pursuant to 42 U.S.C. § 1983 together with an application to proceed in forma pauperis. Dkt. No. 1 ("Compl."); Dkt. No. 2 ("IFP Application"). Plaintiff subsequently filed an amended complaint, which is the operative pleading. Dkt. No. 9 ("Am. Compl."). Presently before the Court is plaintiff's motion seeking to voluntarily dismiss this action without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure ("Rule 41(a)"). Dkt. No. 22.

Rule 41(a) provides in relevant part that a plaintiff "may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Since defendants have not answered or moved for summary judgment, plaintiff is entitled to voluntary dismissal of this action without prejudice, without further order of the court, upon the filing of such a notice.

In light of the foregoing, upon the filing of plaintiff's notice requesting to withdraw his complaint, this action was dismissed, without prejudice, and an order of the court was not required in order to implement that dismissal.

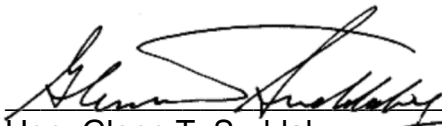
WHEREFORE, it is hereby

ORDERED that in accordance with plaintiff's notice (Dkt. No. 22) to voluntarily dismiss this action, the Clerk of the Court shall close this case and reflect that the action is voluntarily dismissed without prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure; and it is further

ORDERED that the Clerk serve a copy of this Decision and Order on the parties.

IT IS SO ORDERED.

Dated: December 10, 2015
Syracuse, NY


Hon. Glenn T. Suddaby
Chief U.S. District Judge